



Atty. Dkt. No. 075850-0188

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Schneider  
Title: PUMP  
Appl. No.: 09/965,166  
Filing Date: 09/27/2001  
Examiner: Unknown  
Art Unit: Unknown

<p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p><u>Pamela Ann Torpy</u> (Printed Name)</p> <p><u>Pamela Ann Torpy</u> (Signature)</p> <p><u>November 13, 2003</u> (Date of Deposit)</p>
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**TRANSMITTAL OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Mail Stop Petitions  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Abandonment Under 37 CFR 1.53(f) or (g) mailed on 10/29/03, in the above-identified application, transmitted herewith is:

☒ [ X ] Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action.

Respectfully submitted,

Date

11-13-03

By

Kenneth G. Lemke

FOLEY & LARDNER  
777 East Wisconsin Avenue, Suite 3800  
Milwaukee, Wisconsin 53202-5306  
Telephone: (414) 297-5691  
Facsimile: (414) 297-4900

Kenneth G. Lemke  
Attorney for Applicant  
Registration No. 47,746

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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Mail Stop Petitions  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Applicant, by attorney for the Assignee, Sta-Rite Industries, Inc. petitions and requests under 37 C.F.R. § 1.181(a) that the holding of abandonment for Application Serial No. 09/965,166, in the Office communication dated October 29, 2003, be withdrawn. This petition is being submitted promptly after Applicant has learned of the abandonment on the basis of the Notice of Abandonment mailed by the Office on October 29, 2003.

The PTO mailed a Notice of Abandonment on October 29, 2003, indicating that the captioned application became abandoned for applicant's failure to timely reply to the Notice to File Missing Parts. The Notice of Abandonment indicates that a Notice to File Missing Parts was mailed on October 23, 2001.

The undersigned submits that the October 23, 2001 Notice to File Missing Parts was not received. The undersigned made a search of the file jacket and docket records, which search indicates that the Notice was not received. All correspondence received from the PTO is routed

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through our principal administrator, Kathy Schmid, for docketing. After docketing, the correspondence is routed to the responsible attorney. The attached reports from our docketing system list all documents received by Foley & Lardner from the PTO for Application Serial No. 09/965,166. Had it been received, the subject Notice to File Missing Parts would have been entered and listed in the attached reports. As can be seen from these records, no document relating to Serial No. 09/965,166 arrived in our offices.

Foley & Lardner also maintains a docket record of all replies due to the PTO. A reply to a Notice to File Missing Parts mailed October 23, 2001, would have been due on December 23, 2001. The principal administrator in charge of docketing replies for the subject application, Kathy Schmid, searched her docket log for replies due to the PTO for the period of October 22, 2001 through November 13, 2003, but found no record of any Office Action requiring reply or fee payment for this application. A copy of these docket records is also attached.

In view of the foregoing, Applicant requests the PTO to withdraw the holding of abandonment of this application and to return the application to pending status with a new period for filing executed formal papers and payment of the filing fee and surcharge.

It is believed that no fee is required for filing this petition; but should a fee be required, the PTO is authorized to charge the appropriate fee for filing this petition to Foley & Lardner's Deposit Account 06-1447.

Respectfully submitted,

Date 11-13-03

By Kenneth G. Lemke

FOLEY & LARDNER  
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Kenneth G. Lemke  
Attorney for Applicant  
Registration No. 47,746

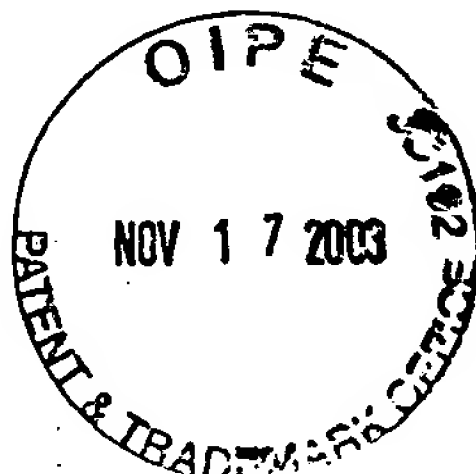


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/965,166	09/27/2001	Steve Schneider	075850-0188

26371  
 FOLEY & LARDNER  
 777 EAST WISCONSIN AVENUE  
 SUITE 3800  
 MILWAUKEE, WI 53202-5308



CONFIRMATION NO. 3938

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011126375\*

Date Mailed: 10/29/2003

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/23/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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NOV 19 2003

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